THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 15873 OF 2003

DATED 13th AUGUST, 2007

BETWEEN

Umasankar High School, rep. by its Ex-Correspondent
Smt. S.Prasuna

….Petitioner

And

Government of Andhra Pradesh,
Rep. by the Secretary, Education (PS.2) Department,
Secretariat, Hyderabad, and, ors

…Respondents.

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ORDER:

In this Writ Petition, the petitioner seeks a direction by way of Writ of Mandamus to the respondents to examine the record relating to G.O.Ms.No.208, Education, dated 13-3-1980 to the extent of petitioner is concerned, and, a declaration that the action of the respondents in withholding the arrears of grant-in-aid of the petitioner-school in a sum of Rs.17,32,820/-, is illegal and arbitrary.

The petitioner-school was started in the year 1973 with primary sections and later upgraded to Upper Primary sections and further, up-graded to High School and High School sections were opened during the year 1979-80. In the primary and upper primary sections, 12 posts were admitted to grant-in-ad vide G.O.Ms.No. 208, dated 13-3-

1980. On the allegations received from the teachers' association against the management of the petitioner-school, an enquiry was conducted, disciplinary action was taken against the Correspondent and finally correspondent was declared as unfit to hold the correspondent-ship. It appears that recognition of the petitioner-school was discontinued for some time, but however, the same was restored vide Government Memo No.1753/F/82-4, dated 4-1-1987 without prejudice to the proceedings initiated against the management of the petitioner-school. Subsequently, the school itself was closed and the entire staff members were shifted to different schools. On 7-1-1994, the petitioner had submitted a representation to the Director of School Education, Andhra Pradesh, Hyderabad seeking release of grant-in-aid arrears, which were not paid for some posts from 17-9-1980 to 31-8-1992 tantamounting to Rs.17,32,820/-. As no action was taken by the respondents for release of the said grant-in-aid arrears, the petitioner, earlier, approached this Court and filed Writ Petition in W.P.No. 25225 of 1996. The said Writ Petition was disposed of by order dated 20-11-1998 directing the Government to consider the claim of the petitioner based on the information furnished by the Director of School Education, Andhra Pradesh, Hyderabad, pursuant to the Memos of the Government dated 1-7-1995 and 29-1-1996 and pass appropriate orders.

In this Writ Petition, it is the grievance of the petitioner that in spite of the orders of this Court in the above said Writ Petition, the respondents are not considering the matter and no grant-in-aid arrears are paid.

In the counter affidavit filed by the respondents, it is stated that though the petitioner claimed an amount of Rs.17,32,820/- on account of grant-in-aid arrears as the said amount was paid by the management towards salaries of the teachers from 1-6-1980 to 20-2-1991 basing on the acquittance registers maintained by the

management, but , however, no other records like appointment orders, Cash book, Ledgers, Bank Pass Books, Standard Deductions register and accounts are maintained by the management. It is further stated that the management had not obtained approval of the appointments and they have not followed the rules of recruitment for appointment of teachers. It is further stated that the acquittance register was manipulated so as to make false claims by substituting one with other immediately after resignation of the teachers. It is stated that in view of the allegations, the posts were kept in abeyance and the grants were not released. It is further stated that the Correspondent failed to produce the records for verification and gave irrelevant replies and no records have been handed over as alleged.

Heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents.

In this case, it is not in dispute that initially 12 posts of primary and upper primary classes were admitted to grant-in-aid vide G.O.Ms.No.208, dated 13-3-1980. However, it is the case of the respondents that in view of the allegations made by the teachers' association against the management, the posts were kept in abeyance. Subsequently, recognition to the said school was revived by the orders of the Government and it is the case of the petitioner that the petitioner-school had paid salaries to the teachers. On the other hand, it is the case of the respondents that acquittance registers were manipulated to make false claim. Earlier also, the petitioner approached this Court by filing Writ Petition No.25225 of 1996 and in view of the fact that the matter was pending consideration before the Government, the said Writ Petition was disposed of directing the respondents to consider the matter based on the information which was called for from the Director of School Education. From the counter

affidavit, it appears that though it is the case of the respondents that the petitioner himself did not file any material in proof of his claim, but, at the same time, it is also to be noted that no orders have been passed rejecting the claim of the petitioner by intimating the reasons to the petitioner. Even, in the event of not filing any supporting material for the claim made by the petitioner, the respondents should have passed appropriate orders basing on the material available with them by recording valid reasons.

In that view of the matter, and, in view of the fact that no reasoned orders are passed pursuant to the order of this Court dated 20-11-1998 in earlier Writ Petition No. 25225 of 1996, without going into the merits of the claim, I deem it appropriate to dispose of the Writ Petition directing the Government to pass appropriate orders on the claim of the petitioner within a period of two months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the claim of the petitioner and it has to be examined independently on its own and communicate the decision to the petitioner, by passing appropriate orders.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

Dated : 13th August, 2007
Msnr.